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Date: December 13, 2004

To: Examiner Dwayne K. Handy
U.S. Patent and Trademark Office

Fax No.: 703-872-9306

From: Cheri Gomez for Jeffery D. Frazier, Reg. No. 34,601
Legal Department
Fax No.: 650-638-6677
Telephone No.: 650-638-5039
Email: gomezen@applera.com

Subject: Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent
U.S. Patent Application No. 10/016,979
Filing Date: December 12, 2001
In re Application of Reid Burton Kowallis
Title: APPARATUS AND METHOD FOR TRANSFERRING SMALL VOLUMES OF SUBSTANCES

Our File: 4406 C1

No. of pages (including cover sheet): 3

Enclosures:

1. Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent (in duplicate).

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-872-9306 on December 13, 2004.

Cheri Gomez

Name

A handwritten signature in black ink that appears to read "Cheri Gomez".

Signature

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PTO/SB/28 (10-02)

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT		Docket Number (Optional) 4406 C1
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In re Application of: Reid Burton Kowallis	
Application Number 10/016,979	Filed December 12, 2001
For Apparatus and Method for Transferring Small Volumes of Substances	
Group Art Unit 1743	Examiner Dwayne K. Handy

Applera Corporation, the owner* of one hundred percent (100%) interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer, of prior Patent No. 6,245,297 and Patent No. 6,355,487. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2. The undersigned is an attorney of record.

December 13, 2004

Date


Signature

Jeffery D. Frazier
Typed or printed name

34,801
Reg. No.

Terminal disclaimer fee under 37 CFR 1.20(d) is estimated to be \$130.00. Please charge the required fee to Applied Biosystems Deposit Account No. 01-2213. A copy of this sheet is enclosed for accounting purposes.

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TERMINAL DISCLAIMER TO OBLIVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT		Docket Number (Optional)
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4406 C1

In re Application of:

Reid Burton Kowallis

Application Number

10/016,979

Filed:

December 12, 2001

For

**Apparatus and Method for Transferring Small Volumes of
Substances**Group Art Unit
1743Examiner
Dwayne K. Handy

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2. The undersigned is an attorney of record.

December 13, 2004

Date



Signature

Jeffery D. Frazier

Typed or printed name

34,601

Reg. No.

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